

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
08/23/2002

08/15/2002

CLERK OF THE COURT
FORM D000C

HONORABLE JOSEPH B. HEILMAN

G.L. Longbein
Deputy

FC 2001-070562

FILED: _____

IN RE THE MARRIAGE OF
TRACY M MATZEN

MATTHEW M NICELY

AND

CORI E MATZEN

ERIK C BERGSTROM

CONCILIATION SERVICES-CCC
MCSO-OIC
TASC - PHOENIX

MINUTE ENTRY

11:10 a.m. This is the time set for trial. Petitioner/
Father is present with counsel Matthew M. Nicely. Respondent/
Mother is present with counsel Eric C. Bergstrom.

These proceedings are digitally recorded in lieu of a court
reporter.

Prior to the hearing commencing in the courtroom, the Court
and counsel conferred in chambers regarding the status of this
case. The Court states his concern regarding lack of
information from any third-party source, largely due to Mother's
failure to appear for mediation. Accordingly,

The Court refers this matter to Conciliation Services
through the issuance of a separate minute entry.

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IT IS ORDERED resetting the trial to **Tuesday, November 5, 2002 at 1:30 p.m. in this division** (1/2 day allowed).

The parties are directed to bring to the trial a complete list of all of the personal property that both of the parties acquired during the course of the marriage. If there is a dispute as to whether it is community property or otherwise, they can prepare a separate itemized listing of any property in dispute as to whether it is community or sole and separate property. The Court will rule on the property in dispute at time of trial.

THE COURT FINDS, pursuant to the Arizona Rules of Civil Procedure, Rule 80d, the parties have reached the following stipulations:

- 1) Gross monthly income attributable to each parent is \$2500;
- 2) Cost of medical and dental insurance at the rate of \$116 per month shall be borne by the father;
- 3) daycare attributable to whomever has custody of the minor child will be attributable to that person or payable by that person at the rate of \$100 per week;
- 4) Mother has two other children that are not issue of this marriage: DJ Kurtz, age 10, and Taylor Kurtz, age 9;
- 5) Father is paying child support arrearage payments for a now-adult child Sara Matzen at the rate of \$125 per month;
- 6) The parties will alternate claiming the dependent child state and federal tax purposes as follows: Father is entitled to claim the dependent child for the tax year of 2002 and all even-numbered years thereafter; Mother is entitled to claim the child for the tax year of 2003 and all odd-numbered years thereafter;
- 7) All non-covered medical and dental expenses regarding the minor shall to be split 50/50.

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THE COURT FINDS the foregoing agreements reasonable, and orders that these figures and facts shall be utilized in calculation of child support.

IT IS ORDERED setting trial on **Tuesday, November 5, 2002 at 1:30 p.m.** in this division (1/2 day allowed).

The issue of child support shall abide further determination.

IT IS FURTHER ORDERED that Mother shall be entitled to unsupervised parenting time three out of four weekends, from Friday at 7:30 a.m. through Sunday at 6:00 p.m. Mother shall not be entitled to exercise weekday parenting time during the weeks that she is allowed weekend parenting time. On the weeks that Mother does not exercise weekend parenting time, she shall be entitled to parenting time from 7:30 a.m. Monday through 6:00 p.m. on Tuesday.

The schedule for parenting time this weekend only, contingent upon a negative TASC test result, shall be from 6:00 p.m. Sunday evening through 7:30 a.m. Monday.

The exchange of the child shall occur at Jack-in-the-Box at 27th Avenue and Yorkshire Drive, Phoenix, Arizona.

IT IS FURTHER ORDERED modifying the Order of Protection to indicate that there shall be neither direct nor telephonic contact between the parties, with the exception of the time of exchange of the minor child or in the event of an emergency.

If the Court receives notification from TASC that Mother either failed to appear for a test or that she tested positive for illegal drugs, the Court will issue a minute entry modifying the custody/visitation order entered this date to permit only supervised parenting time two days per week for up to four hours per visit.

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The trial will take place in an "e-courtroom." A record of the proceeding may be made digitally and by videotape in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may give the Court a blank, previously unused CD-R or a videotape at least fifteen (15) minutes before the hearing, and a copy will be made at no cost. A specific type of videotape must be used for this system in order to ensure the most reliable record: New Maxell or Fuji Super HG 120 (VHS) or equivalent.

Should an official transcript be required, you may request that the Court prepare it. The party ordering the transcript must pay for it.

Whether a party chooses to rely solely on this technology for the record, or desires a court reporter, who can produce real-time transcript feeds during trial and certified transcripts for filing with appellate matters, is left to the discretion of the litigant. However, if a court reporter is required, the Court must receive a written request at least 48 hours before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

COURT ORDERED SUBSTANCE ABUSE TESTING

IT IS ORDERED that Respondent/Mother, Cori E. Matzen, shall participate in drug and alcohol testing.

IT IS FURTHER ORDERED:

1. Respondent/Mother shall appear in person at TASC, Inc. at 2234 North 7th Street, Phoenix, or N. Country Club Drive, Suite 19, in Mesa, or at 5955 W. Myrtle Avenue,

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Suites 2-4, Glendale before 5:00 p.m. on August 15,
2002;

2. Respondent/Mother shall present to TASC the Court Ordered Substance Abuse Testing form issued by this Court, and shall provide all information necessary for its completion;
3. Respondent/Mother shall provide such samples as are reasonably required by TASC to comply with this Order. Respondent/Mother shall submit to the Screen A drug test (full spectrum of drugs including alcohol).
4. Respondent/Mother shall sign, execute and deliver such forms of consent and authorization as shall be reasonably required by TASC to comply with this Order;
5. The results of said testing shall be reported directly to this Court in writing by TASC, with copies provided to counsel for both parties, or directly to the parties, if unrepresented. Counsel may call TASC tomorrow, August 16, 2002 to obtain test results. A positive test will disallow Mother's privilege for parenting time this weekend.
6. Respondent/Mother shall report for subsequent testing as directed by TASC, and shall present a photo I.D. at time of testing, along with any prescription medications currently being taken;
7. Respondent/Mother shall pay the costs of **her** own testing IN CASH, MONEY ORDER, OR CASHIER'S CHECK at the time of testing, subject to reallocation.
8. All parties are advised that the failure, neglect or refusal to participate in testing may be considered an admission by the party that the testing, if conducted, would have revealed the use of the substance(s) tested

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for, which finding is contrary to the best interest of the child; failure to submit to a drug test, absent good cause shown, may result in a finding of Contempt of Court, incarceration in the Maricopa County Jail, issuance of a Civil Arrest Warrant or other sanctions by the Court;

9. The parties are also advised that a diluted test specimen may be considered an attempt to conceal the presence of illicit drugs, which finding is contrary to the best interest of the child;
10. Respondent/Mother shall be randomly tested NOT LESS THAN ONCE A WEEK, commencing on August 15, 2002 and continuing until further order of this Court;
11. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court.
12. Mother may be tested at a facility in Florida on the random color day selected by the TASC office in Phoenix.

ISSUED: Court Ordered Substance Abuse Testing.

The Court signs this minute entry as an enforceable order effective immediately.

/S/ HONORABLE JOSEPH B. HEILMAN

JUDICIAL OFFICER OF THE SUPERIOR COURT